

Remarks

The Examiner has required a species election for claims 20, 22, 23, 27 and 29. In response, Applicants elect the following species, with traverse:

Claim 20: therapeutic agents
Claim 22: analgesics
Claim 23: dietary supplements
Claims 27 & 29: hydroxypropyl celluloses

Applicants traverse the species election requirement on the ground that the search and examination of the allegedly distinct species is not unduly burdensome. 37 C.F.R. § 1.141 provides that a reasonable number of species may be claimed in one application if the application also includes an allowable claim generic to all of the claimed species and all of the claims to species in excess of one are written in dependent form or otherwise include all of the limitations of the generic claim. Applicants' claimed invention meets all of the requirements of 37 C.F.R. § 1.141 and, therefore, the species election requirement for the listed claims should be withdrawn.

Finally, the Examiner is reminded that a species election is solely for search purposes and that should the elected species be free of the prior art, the Examiner will follow the procedure in MPEP 803.02 and extend the search to the other species recited in the listed claims.

The Examiner is respectfully requested to reconsider and withdraw the species election requirement and to examine all of the claims now pending in this application.

Applicants reserve the right to file one or more divisional applications covering the subject matter of the non-elected claims and non-elected subject matter of claims.

Receipt of the initial Office Action on the merits is awaited. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extension fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date December 30, 2004 By Michele M. Simkin

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